

1 William C. Dresser #104375  
Richard Swenson #221586  
2 4 North Second Street, Suite 1230  
San Jose, CA 95113-1307  
3 Tel: 408\279-7529  
Fax: 408\298-3306  
4

Attorneys for Plaintiff  
5 Landmark Home Mortgage, Inc.

6 UNITED STATES DISTRICT COURT  
7  
8 NORTHERN DISTRICT OF CALIFORNIA  
9  
10 SAN JOSE DIVISION

11 Landmark Home Mortgage, Inc.,

Action No. 07-CV-04654-JF

12 Plaintiff,

Request to Enter Default Against  
Defendant Alvin Silbernagel

13 vs.

14 Guillermo Flores, Alvin Silbernagel, Atlas  
Financial Services, Inc. dba Atlas  
15 Financial Services and Atlas Realty,  
Bertha Moreno, Jose Arrellano, Robert  
16 W. Peterson, individually and dba  
Peterson Appraisal Group, and Does 1  
through 50,

Date: January 25, 2008  
Time: 9:00 a.m.  
Crtrm: 3, Fifth Floor  
Hon. Judge Jeremy Fogel

17 Defendants.  
18 \_\_\_\_\_/

19 Motion

20 NOTICE IS HEREBY GIVEN that on January 25, 2008, at 9:00 a.m., or as soon  
21 thereafter as counsel may be heard in the above-captioned Court, located in Courtroom  
22 3, on the Fifth Floor, at 280 South First Street, San Jose, California, Plaintiff Landmark  
23 Home Mortgage, Inc. will, and hereby does, move this Court for an Order entering default  
24 against Defendant Alvin Silbernagel.

25 This motion is based upon this Motion, the accompanying Memorandum of Points  
26 and Authorities and all pleadings, papers and files in this action, including the Complaint,  
27 Summons, Statement of Damages, Proof of Service on Alvin Silbernagel and such oral  
28 and documentary evidence as may be presented at the hearing, and any other factors  
that this Court may wish to consider.

Memorandum of Points and Authorities

Plaintiff hereby requests that the Clerk of the above-entitled Court enter default on the Complaint in this matter in favor of Plaintiff Landmark Home Mortgage, Inc. against Defendant Alvin Silbernagel on the ground that said defendant has failed to answer, appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure, or by the California Code of Civil Procedure. Plaintiff served the Summons, Complaint, Statement of Damages as to exemplary damages, and state court Civil Case Notice on Defendant Silbernagel on September 25, 2007, as evidenced by the proof of service of summons on file with this Court. No answer, appearance or other response has been filed or served by Defendant Silbernagel in either state or federal court, and no extensions of time to respond have been requested or granted.

Dated: December 7, 2007

/s/  
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William C. Dresser  
Attorneys for Plaintiff  
Landmark Home Mortgage, Inc.

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